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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/635,232

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Shiri Kadambi

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32294

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07/07/2004

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EXAMINER

HARPER, KEVIN C

ART UNIT

PAPER NUMBER

2666

12

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/635,232

Applicant(s)

KADAMBI ET AL.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/9/00 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments, filed April 13, 2004, with respect to the rejection(s) of claim(s) 20-33 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wong et al.

***Terminal Disclaimer***

1. The terminal disclaimer filed on April 13, 2004, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,104,696 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Drawings***

2. The drawings are objected for the following minor informalities: in figure 19, SW1 and SW2 should be labeled --switch 1-- and --switch 2--, respectively, and one of the boxes representing a port should be labeled --port--; figure 14, item 20, figure 15, item 141 and figure 16, item 40, each requires descriptive wording as a label. See 37 CFR 1.83(a). Additionally, applicant is requested to replace the label "T" with --trunk group--.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement

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sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 22-23 are objected to because in parent claim 22, line 5, "the lookup entry" should be --a lookup entry--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 20-22, 24, 26-30 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong et al. (US 6,616,758).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

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inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

4. Regarding claims 20-21, 24, 26-28 and 32, Wong discloses a method of sending packets between trunked network switches (figure 1, items 7 and 10; col. 4, lines 2-8). The method comprises receiving a packet from a source at a first port of a trunked network switch (figure 3A, items 160 and 120; col. 8, lines 48-50 and col. 9, lines 11-25), identifying that the first switch includes ports which are bundled as a trunk group (figure 4A-4C, col. 11, lines 46-58) for a destination address (figure 4A, item 204) indicated by a trunk bit in a lookup table (figure 4C, item 212 or 226; col. 11, lines 59-63 and col. 12, lines 13-17 and 20-24), identifying the appropriate trunk port and forwarding the packet on the appropriate trunk port of the trunk group to send the packet to the destination (col. 11, lines 31-42 and col. 12, lines 13-24).

5. Regarding claims 22 and 29-30, identifying the trunk port comprises the steps of determining a destination address match in a lookup table (figure 4A, item 204), identifying a rules tag in the lookup table (item 202; col. 11, lines 46-48), identifying a trunk group identification in the lookup entry (figure 4C, item 226; col. 12, lines 20-24) and determining a trunk port index (item 220) based upon the rules tag, applying the trunk group identification and the trunk port index to an inherent trunk group table (col. 12, lines 21-23) to identify a trunk port for communication (col. 12, lines 55-65).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (US 6,614,758) in view of Akiyoshi (US 5,550,821).

The applied reference of Wong et al. has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

6. Regarding claims 23 and 31, Wong discloses a method of sending packets according to a MAC destination address (figure 4A, item 204; col. 11, lines 15-17). However, Wong does not disclose determining a trunk port based on bits of a source IP address or destination IP address.

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Akiyoshi discloses using an IP address to determine which port of a trunk group (figure 3) to forward a packet (col. 11, lines 8-12 and 53-56). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to determine a destination port of a trunk group by an IP address in the invention of Wong in order to simplify a routing decision which is based on a high level address used by an end-user.

Claims 25 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (US 6,614,758) in view of Cotton et al. (US 5,379,380).

7. Regarding claims 25 and 33, Wong discloses a inherent trunk group table (col. 12, lines 21-23) to identify a trunk port for communication (col. 12, lines 55-65). However, Wong does not disclose modifying the table to reflect trunk port failures. Cotton discloses modifying a lookup table (figure 7A) to reflect trunk port failures (col. 32, lines 61-65 and col. 33, lines 20-35). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify a lookup table to reflect trunk port failures in the invention of Wong in order to accurately reflect the current network conditions to properly route data to a destination.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays from 11:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The centralized fax number for the Patent Office is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only (applications must be associated with a customer number). For more information about the PAIR system, see [pair.uspto.gov](http://pair.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Harper

A handwritten signature in black ink, appearing to read 'Kevin C. Harper', written over a horizontal line.

June 26, 2004